

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHELTON BENOITE,

Plaintiff,

v.

J. DOERER, et al.,

Defendants.

Case No. 1:24-cv-01407-HBK (PC)

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

(Doc. No. 2)

ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY THE
BUREAU OF PRISONS

Plaintiff, a federal prisoner, initiated this action on November 18, 2024, by filing a pro se civil rights complaint pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*¹ 403 U.S. 388 (1971). (Doc. No. 1, "Complaint"). Plaintiff seeks leave to proceed *in forma pauperis* on his Complaint and submitted a certification from prison officials in support. (Doc. No. 2). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the full \$350.00 statutory filing fees as set forth in 28 U.S.C. § 1915. **Pursuant to § 1915(b)(1)(A), Plaintiff is obligated to make an initial payment of \$29.33¹**

¹ The statute requires an initial filing fee of 20% of the greater of the six-month average monthly deposits or average monthly balance. 28 U.S.C. § 1915(b)(1)(A), (B). Plaintiff's average monthly balance over the relevant period was \$48.89 and his average monthly deposits was \$146.66. (Doc. No. 2 at 2).

(20% of the average monthly deposits on his prisoner's account). Thereafter, Plaintiff must make monthly payments of 20% of the preceding month's income credited to his trust account. The Bureau of Prisons is required to send the initial \$29.33 payment to the Clerk of the Court from any deposits made into Plaintiff's account until the \$29.33 payment is made and thereafter make subsequent payments from Plaintiff's account each time the amount in his account exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

ACCORDINGLY, it is **ORDERED**:

1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is GRANTED.

2. **The Director of the Federal Bureau of Prisons, or his designee shall forward an initial payment of \$29.33 to the Clerk of the Court from Plaintiff's prison trust account in accordance with 28 U.S.C. § 1915(b)(1)(B) and thereafter shall make future monthly payments in an amount equal to twenty percent (20%) of the preceding month's income credited to the Plaintiff's trust account each time the amount in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and forwarded to the Clerk of the Court.** The payments shall be clearly identified by the name and number assigned to this action.

3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's *in forma pauperis* application on the Federal Bureau of Prisons, via the court's electronic case filing system (CM/ECF).

4. The Clerk of the Court is directed to serve a copy of this order on the Financial Department, U.S. District Court, Eastern District of California.

Dated: November 20, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE